IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No.1146 of 2007
in
Suit No.929 of 1987

Ratanlal Kanwarlal Nimani
of Bombay ..Plaintiff

vs.

1. Poonamchand Gulabchand
Jain and another ..Defendants

Mr.Cyras Ardeshir i/b M/s Bilwala and Co. for plaintiffs
Mr.S.P.Jog for defendant no.1
Mr.G.G.Ketkar, 1st Asstt.to Official Assignee present.

CORAM: S.C.DHARMADHIKARI J.
6th July, 2007

P.C.

1. This is a Notice of Motion taken out by the original defendant no.1 praying for extension of time by four weeks to file the written statement.

2. Mr.Ardeshir, learned Counsel appearing for the plaintiffs invites my attention to the affidavit in support and submits that the directions were clear in as much as the written statement ought to have been filed within a period of 8 weeks from 24th November, 1987. The reason that the defendant no.1 was adjudicated insolvent is not enough and in any event does not explain the delay of more than 18 years in complying with the order of this Court.

3. There is much substance in the grievance of Mr.Ardeshir. However, taking over all view of the matter and since defendant no.1 was adjudicated insolvent on 13th November, 1987 and could not make arrangement to engage an Advocate and defend the suit till March, 2007, interest of justice would be subserved if the time to file the written statement is extended by one week more. Accordingly the following order is passed.

4. Time to file the written statement is extended till 13th July, 2007 on the condition that the written statement is filed on or before 13th July, 2007 and costs quantified at Rs.15,000/- are paid to the plaintiffs' attorneys.

5. If there is no compliance with either of the directions, namely, filing of the written statement and payment of costs then the notice of motion to stand automatically dismissed without further reference to Court.

6. Matter to appear after two weeks i.e. on 23rd July, 2007.

(S.C.DHARMADHIKARI J.)